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W.P.No.40503 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.40503 of 2015
and M.P.Nos.1 & 2 of 2015

Judgment reserved on 24.02.2025	Judgment pronounced on 06.03.2025
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WP NO. 40503 of 2015

Mr. M.Muthukrishnan,
No.30A/55, Kulakkarai Street,
Tharapadavedu,
Vellore-632007.

Petitioner

Vs

1.The Principal Secretary,
Public Works Department,
St. George Fort, Chennai-9.

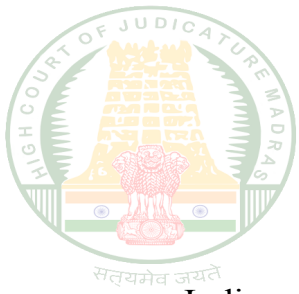
2.The Chief Engineer,
Public Works Department,
Water Resources Organisation (WRO),
Chepauk,

Chennai Region,
Chennai-5.

3.The Executive Engineer,
Public Works Department,
Krishna Water Supply Division,
Division No.8, Chepauk,
Chennai-5.

Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of



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India praying for a writ of certiorari to call for the records in the impugned proceedings in No.E2(3)/11966/2015 dt.09.10.2015 passed by the 2nd respondent and quash the same.

For Petitioner : Mr..R.Mubarak Basha
For Respondents : Mr.V.Veluchamy,
Addl.Govt. Pleader

ORDER

The writ petitioner is challenging the order passed by the 2nd respondent on his request to the Chief Minister's Cell to waive Rs.62,557/-, proposed to be recovered from the petitioner.

2. Facts leading to the filing of the writ petition are as under -

The petitioner joined as Section Officer in the year 1965 in PWD and he remained as Junior Engineer without any promotion till his retirement. He was allowed to retire due to superannuation on 31.05.1999. While he was working in Krishna Water Project Division No.5 at Thiruvallur during 1997, some valuable articles kept in his custody were stolen and the petitioner claims that he had lodged a police complaint before the Sriperumbudur Taluk Police Station. The amount was sought to be recovered from the retirement benefits of the petitioner. The amount recoverable from the petitioner was ascertained as Rs.62,557/-. At this juncture, the petitioner made a



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representation to the Government to waive the amount by way of representation to the Chief Minister's Cell, requesting to give exemption from the liability of Rs.62,557/-. The said representation was forwarded to the Department and the Department, on perusal of the same, by an order dated 09.10.2015 has communicated to the petitioner stating that arising of out of theft of the valuable property of the Department, action was initiated against four persons. Except the petitioner, deduction has already been made against all the other three persons and they have also remitted the amount and hence the petitioner alone cannot be singled out and exemption prayed for by the petitioner from waiver of the recovery amount of Rs.62,557/- cannot be granted.

3. Aggrieved against the above said impugned order, the petitioner has filed the present writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents and perused the records.



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5. The petitioner has relied upon Rule 92 (b) (ii) of the Pension Rules and Section 11 of the Pension Rules.

6. Admittedly, the stolen property was in the custody of the petitioner alongwith three others. Though the petitioner claims that he had lodged a FIR before the Sriperumbudur Taluk Police Station, he has not given copy of the FIR, assumes significance. As against the other three persons, recovery has been made and this petitioner has sought for exemption by way of representation to the Chief Minister's Cell. In that petition, the impugned order has been passed.

7. Admittedly, the petitioner has not challenged the original recovery order passed by the second respondent. In the absence of any challenge with regard to recovery proceedings of Rs.62,557/- from the petitioner, as like other three persons not being challenged, the present writ petition is misconceived. The writ petition itself is not maintainable because the impugned order is based on the mercy petition given to the Chief Minister's Cell and the reason for rejection has been assigned thereto.



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8. In the above circumstances, this writ petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

06.03.2025

rgr

Index : Yes/No

Speaking/Non-speaking order

To

1.The Principal Secretary,
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St. George Fort, Chennai-9.

2.The Chief Engineer,
Public Works Department,
Water Resources Organisation (WRO),
Chepauk,

Chennai Region,
Chennai-5.

3.The Executive Engineer,
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Chennai-5.



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RMT.TEEKAA RAMAN, J.

rgr

Order in

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